

**United States District Court**

FEB 15 2007

for

**Southern District of Ohio****Petition for Warrant or Summons for Offender Under Supervision**Name of Offender: **Kareem Cole**Case Number: **CR-1-02-157-1**Name of Sentencing Judicial Officer: **The Honorable Susan J. Dlott, United States District Judge**Date of Original Sentence: **August 28, 2003**Original Offense: **Conspiracy to Distribute in Excess of 100 Kilograms of Marijuana, in violation of Title 21 U.S.C. Sections 846, and 841(a)(1) and (b)(1)(B), a class B Felony.**Original Sentence: **24 month(s) prison, 36 month(s) supervised release**

Violation Hearing: On 1/16/ 2007: Offender found in violation. Sentenced to custody of the United States Bureau of Prisons for 1 day, followed by 18 months supervised release, with the first 180 days in a residential re-entry center. The defendant shall participate in a substance abuse program, inclusive of urinalysis at the direction of the probation officer. The defendant shall participate in a mental health treatment program at the direction of the probation officer. The defendant is to clear his status as an illegal alien within 90 days from the date of the judgement.

Type of Supervision: **Term Of Supv Rel**Date Supervision Commenced: **July 13, 2004**New TSR: **January 16, 2007**Assistant U.S. Attorney: **Robert C. Brichler, Esq.**Defense Attorney: **R. Scott Crowell, III, Esq**HOV: **Kelly Johnson, Esq**


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**PETITIONING THE COURT**


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- ☒ To issue a warrant  
☐ To issue an Order to Appear and Show Cause  
☐ To grant an exception to revocation without a hearing.

Violation NumberNature of Noncompliance

#1

On February 12, 2007, the undersigned received a call from the Talbert House Residential Re-entry Center pertaining to noncompliant behavior on the part of the offender. Your Honor will recall that the offender appeared in Court on January 16, 2007, for a violation hearing. The basis of the violation was his continued substance abuse (please refer to the petition dated November 7, 2006).

At the hearing, the offender was found in violation of his supervision and ordered to serve one day in prison, followed by 18 months supervised release. He was further ordered to enter a Residential Re-entry Center, within the first 180 days of his supervision. On February 2, 2007, the offender entered the Talbert House.

The offender was terminated on February 12, 2007, from the program. Attached, please find a copy of the discharge summary from the Talbert House.

#2 On February 1, 2007, the offender submitted positive urinalysis for marijuana.

#3 On February 12, 2007, this writer requested that the Talbert House officials instruct the offender to report to the probation office following his unsuccessful termination from the Residential Re-entry Center. He was instructed to report directly to the probation office following his termination on February 12, 2007. The offender failed to follow this writer's instructions, as he failed to report to the probation office following termination. This writer verified through the Talbert House officials that he was terminated at 3:25 p.m., and as of 5:15 p.m. on February 12, 2007, the offender had not reported as instructed.

U.S. Probation Officer Recommendation: Based on the offender's continued noncompliance, and termination from the program, it respectfully requested that a warrant be issued at this time. It is further recommended that a violation hearing be held and the offender be found in violation of his term of supervision. It is respectfully recommended that he be ordered to serve a term of incarceration. The offender has demonstrated that he is not amenable to continued supervision.

The undersigned also notes that recent contact with the Immigration and Customs Enforcement (ICE) agency revealed the offender had previously made a claim of U.S. Citizenship, and his claim has possible credibility. Therefore, his immigration status remains pending. Case Agent Lloyd Morrow, with ICE, has indicated that he will keep this writer posted on the offender's immigration status.

The term of supervision should be

- ☒ Revoked.  
☐ Extended for years, for a total term of years.  
☐ Continued based upon the exception to revocation under 18 U.S.C. 3563(e) or 3583(d)  
☐ The conditions of supervision should be modified as follows:

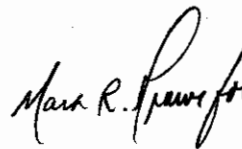
I declare under penalty of perjury that  
the foregoing is true and correct.

Executed on February 14, 2007

  
**Michelle Merrett**  
 U.S. Probation Officer

by

Approved,

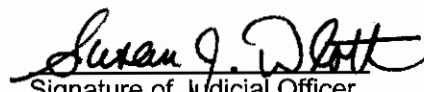


**John Cole**  
 Supervising U.S. Probation Officer  
 Date: **February 15, 2007**

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THE COURT ORDERS:

- ☒ No Action  
☐ The Court finds that there is probable cause to believe the defendant has violated the conditions of his/her probation/supervised release and orders the Issuance of a Warrant for his/her arrest.  
☐ The Issuance of an Order to Appear and Show Cause  
☐ The Court finds the defendant can benefit from continued substance abuse treatment and grants an exception to revocation. The supervision term of the defendant is continued under all original terms and conditions.  
☐ Other

  
 Signature of Judicial Officer  
2/21/07  
 Date

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